

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
COVINGTON DIVISION**

MONA EDER,

Plaintiff,

v.

WEST CHESTER MEDICAL CENTER

Defendant.

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CASE NO.:

**Removed from Boone Circuit
Civil Action No. 13-CI-1028**

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446, for Notice of Removal of this action from the Boone County Circuit Court, to the United States District Court for the Eastern District of Kentucky at Covington, West Chester Medical Center states:

1. Mona Eder (“Eder”) has filed claims against West Chester Medical Center as a result of various surgeries performed on Eder by Dr. Abubakar Atiq Durrani. Eder seeks recovery for severe and grievous injuries, paralysis, new and different pain, prolonged pain and suffering, emotional distress, humiliation, discomfort, loss of enjoyment of life, loss of ability to perform usual and customary activities, and substantial medical expenses and treatment. Eder served Defendants with a copy of her Complaint on September 17, 2013. In accordance with 28 U.S.C. § 1446(a), true and correct copies of all process and pleadings received by Defendants are attached hereto as Exhibit A.

2. Eder has also moved to join Dr. Abubakar Atiq Durrani (“Dr. Durrani”), UC Health, and Center for Advanced Spine Technologies, Inc. (“CAST”) as additional parties to this action. (See Motion for Joinder, 11/5/2013, contained in Exhibit A.)

3. From West Chester Medical Center's information and understanding of Eder's allegations, the amount of damages she is seeking, and may be awarded against each defendant, if successful on her claims, is greater than \$75,000.00, exclusive of interest and costs.

4. Eder is, and has been at all times relevant hereto, including at the time of filing this Notice of Removal and at the commencement of the underlying state court civil action, a Kentucky resident, and citizen of Kentucky.

5. West Chester Medical Center is, and has been at all times relevant hereto, including at the time of filing this Notice of Removal and at the commencement of the underlying state court civil action, an Ohio corporation, with its principal place of business in Ohio.

6. This action is one over which this Court has original jurisdiction pursuant to the provisions of 28 U.S.C. § 1332(a)(1), as Eder and West Chester Medical Center are citizens of different states. West Chester Medical Center may remove to this Court pursuant to 28 U.S.C. § 1441(a).

7. West Chester Medical Center had initially filed claims against Eder in the state-court civil action. However, West Chester Medical Center has withdrawn all claims against Eder, so that the only remaining claims in this action are asserted by Eder.

8. Due to the fact that the only remaining claims in this action are being asserted by Eder, the Boone Circuit Court ordered that the parties be realigned with Eder as the Plaintiff and West Chester Medical Center as Defendant. (See Realignment Order, 10/30/2013, contained in Exhibit A.)

9. The caption of this case now reflects that Eder is the Plaintiff and West Chester Medical Center is the Defendant. (See Motion for Joinder, 11/5/2013, contained in Exhibit A.)

10. This Notice of Removal is timely filed within thirty days of the Realignment Order, from which this case has become removable. *See* 28 U.S.C. § 1446(b)(3).

WHEREFORE, West Chester Medical Center respectfully requests that Eder's state-court action be removed to this Court.

Respectfully submitted,

/s/ James B. Metzger, Jr.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was filed with the Clerk of Court using the CM/ECF system and also served by depositing the same in the United States Mail, postage prepaid, on the 15th day of November, 2013 to:

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